

# SEEGERWEISS<sup>LLP</sup>

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March 28, 2025

**VIA ECF**

Honorable Rukhsanah L. Singh, U.S.M.J.  
United States District Court for the District of New Jersey  
Clarkson S. Fisher Fed. Bldg. & U.S. Courthouse  
402 East State Street  
Trenton, New Jersey 08608

**Re: In re: Insulin Pricing Litigation, MDL No. 3080**  
**Case No. 2:23-md-03080-BRM-RLS**

Dear Judge Singh:

We write in response to Defendants' Request for Leave to File a Reply in Support of Their Request to Amend Case Management Order No. 14, filed yesterday evening [ECF No. 477]. In their Request, Defendants argue that they should be permitted to file a reply brief because they "confined their pre-motion letter to three pages, as required by Case Management Order No. 5 ¶¶ IV(3)-(4), but Self-Funded Payer Track Plaintiffs did not do the same in their response." ECF No. 477 at 1. But CMO 5 imposes a three-page limit only on "a pre-motion letter." CMO 5 [ECF No. 127] ¶¶ IV(3)-(4). Disputes under the Court's Discovery Dispute Protocol, however, are not "pre-motion letters." Rather, as the Discovery Dispute Protocol specifies, these disputes are "fully presented to the Court" and "ripe for discussion." CMO 17 [ECF No. 386] ¶ 3. Nowhere does the Protocol refer to submissions thereunder as "pre-motion letters" or impose any page-limitations beyond those contained in the Local Rules. In fact, the parties' prior submissions in connection with their initial disputes under the Discovery Dispute Protocol all exceeded three pages.<sup>1</sup> See ECF Nos. 397-99, 410-12.

The Discovery Dispute Protocol disallows reply submissions, and the Court should deny Defendants' request here based on their mischaracterization of their submission as a "pre-motion letter." We thank the Court for its continuing attention to this matter.

Respectfully submitted,

s/ David R. Buchanan

David R. Buchanan  
*Liaison Counsel for*  
*Self-Funded Payer Track*

cc: Honorable Brian R. Martinotti, U.S.D.J. (via ECF)  
All Counsel of Record (via ECF)

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<sup>1</sup> Plaintiffs have complied with CMO #5's requirement when filing pre-motion letters. See, e.g., ECF No. 438 (Plaintiffs' three-page pre-motion letter requesting leave to file motion to compel compliance with third-party subpoena).